

(b) The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in carrying out the purposes of this chapter and of any State, local, or municipal legislation or ordinance on the same subject.

(Pub. L. 89-544, §15, Aug. 24, 1966, 80 Stat. 352; Pub. L. 91-579, §16, Dec. 24, 1970, 84 Stat. 1563; Pub. L. 94-279, §11, Apr. 22, 1976, 90 Stat. 419; Pub. L. 98-443, §9(i), Oct. 4, 1984, 98 Stat. 1708; Pub. L. 99-198, title XVII, §1757, Dec. 23, 1985, 99 Stat. 1650; Pub. L. 104-88, title III, §312, Dec. 29, 1995, 109 Stat. 948.)

AMENDMENTS

1995—Subsec. (a). Pub. L. 104-88 substituted “Surface Transportation Board” for “Interstate Commerce Commission” in last sentence.

1985—Subsec. (a). Pub. L. 99-198 inserted provision requiring that the Secretary consult with the Secretary of Health and Human Services prior to the issuance of regulations.

1984—Subsec. (a). Pub. L. 98-443 substituted “the Secretary of Transportation” for “the Civil Aeronautics Board”.

1976—Subsec. (a). Pub. L. 94-279 inserted “, or administration of statutes regulating the transportation in commerce or handling in connection therewith of any animals” after “exhibition”, and inserted provisions requiring the Secretary, prior to promulgating standards governing air transportation of animals in commerce, to consult with the specified Federal agencies concerned.

1970—Subsec. (a). Pub. L. 91-579, §16(1), inserted reference to exhibition of animals.

Subsec. (b). Pub. L. 91-579, §16(2), substituted “carrying out” for “effectuating”.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-198 effective one year after Dec. 23, 1985, see section 1759 of Pub. L. 99-198, set out as a note under section 2131 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

§ 2146. Administration and enforcement by Secretary

(a) Investigations and inspections

The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, intermediate handler, carrier, research facility, or operator of an auction sale subject to section 2142 of this title, has violated or is violating any provision of this chapter or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 2140 of this title of any

such dealer, exhibitor, intermediate handler, carrier, research facility, or operator of an auction sale. The Secretary shall inspect each research facility at least once each year and, in the case of deficiencies or deviations from the standards promulgated under this chapter, shall conduct such follow-up inspections as may be necessary until all deficiencies or deviations from such standards are corrected. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this chapter or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, (4) such animal is held by an operator of an auction sale, or (5) such animal is held by an intermediate handler or a carrier.

(b) Penalties for interfering with official duties

Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this chapter shall be punished as provided under sections 1111 and 1114 of title 18.

(c) Procedures

For the efficient administration and enforcement of this chapter and the regulations and standards promulgated under this chapter, the provisions (including penalties) of sections 46, 48, 49 and 50 of title 15 (except paragraph (c) through (h) of section 46 and the last paragraph of section 49¹ of title 15), and the provisions of Title II of the Organized Crime Control Act of 1970, are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this chapter and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this chapter in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 49 and 50 of title 15 on the district courts of the United States may be exercised for the purposes of this chapter by any district court of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and re-

¹ See References in Text note below.

strain violations of this chapter, and shall have jurisdiction in all other kinds of cases arising under this chapter, except as provided in section 2149(c) of this title.

(Pub. L. 89-544, §16, Aug. 24, 1966, 80 Stat. 352; Pub. L. 91-579, §17, Dec. 24, 1970, 84 Stat. 1563; Pub. L. 94-279, §12, Apr. 22, 1976, 90 Stat. 420; Pub. L. 99-198, title XVII, §1753, Dec. 23, 1985, 99 Stat. 1649; Pub. L. 101-624, title XXV, §2503(1), Nov. 28, 1990, 104 Stat. 4066.)

REFERENCES IN TEXT

The last paragraph of section 49 of title 15, referred to in subsec. (c), which related to immunity of witnesses, was repealed by section 211 of Pub. L. 91-452, Oct. 15, 1970, title II, 84 Stat. 929. For provisions relating to immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

Title II of the Organized Crime Control Act of 1970, referred to in subsec. (c), is title II of Pub. L. 91-452, Oct. 15, 1970, 84 Stat. 926, as amended, which created a general Federal immunity statute set out in section 6001 et seq. of Title 18, and repealed the individual immunity provisions formerly contained in various Federal regulatory schemes.

AMENDMENTS

1990—Subsec. (c). Pub. L. 101-624 inserted “and the regulations and standards promulgated under this chapter” after first reference to “this chapter”.

1985—Subsec. (a). Pub. L. 99-198 inserted provision directing Secretary to inspect each research facility at least once each year and, in case of deficiencies or deviations from standards promulgated under this chapter, conduct such follow-up inspections as may be necessary until all deficiencies or deviations from such standards are corrected.

1976—Subsec. (a). Pub. L. 94-279, §12(a), inserted “intermediate handler, carrier,” after “dealer, exhibitor,” and inserted “or (5) such animal is held by an intermediate handler or a carrier” after “an auction sale”.

Subsec. (c). Pub. L. 94-279, §12(b), substituted “section 2149(c)” for “sections 2149(b) and 2150(b)” after “except as provided in”.

1970—Pub. L. 91-579 designated existing provisions as subsec. (a), expanded coverage to include exhibitors and operators of auction sales for purposes of investigation, inserted provisions requiring that records, facilities, and animals be accessible to inspectors at all reasonable times at premises of dealers, research facilities, exhibitors, and operators of auction sales, and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-198 effective one year after Dec. 23, 1985, see section 1759 of Pub. L. 99-198, set out as a note under section 2131 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective 30 days after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

§ 2147. Inspection by legally constituted law enforcement agencies

The Secretary shall promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 2142 of this title to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.

(Pub. L. 89-544, §17, Aug. 24, 1966, 80 Stat. 352; Pub. L. 91-579, §18, Dec. 24, 1970, 84 Stat. 1564.)

AMENDMENTS

1970—Pub. L. 91-579 substituted “promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 2142 of this title” for “issue rules and regulations requiring licensed dealers and research facilities”.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective 30 days after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

§ 2148. Repealed. Pub. L. 91-579, §19, Dec. 24, 1970, 84 Stat. 1564

Section, Pub. L. 89-544, §18, Aug. 24, 1966, 80 Stat. 352, prohibited any construction of the chapter which would authorize the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation. See section 2143 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

§ 2149. Violations by licensees

(a) Temporary license suspension; notice and hearing; revocation

If the Secretary has reason to believe that any person licensed as a dealer, exhibitor, or operator of an auction sale subject to section 2142 of this title, has violated or is violating any provision of this chapter, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may suspend such person's license temporarily, but not to exceed 21 days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred.

(b) Civil penalties for violation of any section, etc.; separate offenses; notice and hearing; appeal; considerations in assessing penalty; compromise of penalty; civil action by Attorney General for failure to pay penalty; district court jurisdiction; failure to obey cease and desist order

Any dealer, exhibitor, research facility, intermediate handler, carrier, or operator of an auction sale subject to section 2142 of this title, that violates any provision of this chapter, or any rule, regulation, or standard promulgated by the Secretary thereunder, may be assessed a civil penalty by the Secretary of not more than \$2,500 for each such violation, and the Secretary may also make an order that such person shall cease and desist from continuing such violation. Each violation and each day during which a violation continues shall be a separate offense. No penalty shall be assessed or cease and desist order issued unless such person is given notice and opportunity for a hearing with respect to the alleged violation, and the order of the Secretary assessing a penalty and making a cease and desist order shall be final and conclusive unless the affected person files an appeal from the Secretary's order with the appropriate United States Court of Appeals. The Secretary shall give due consideration to the appropriateness of the penalty with respect to the size of the busi-